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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,075	01/06/2000	MAKOTO SATO	0670-221	4639

7590

10/25/2002

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT

PAPER NUMBER

2653

DATE MAILED: 10/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/462,075

Applicant(s)

SATO, MAKOTO

Examiner

Aristotelis M Psitos

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Priority

Applicant's response of 1/24/02 has been considered with the following results.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first, second and third keys must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1- 7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In particular, the claims are drawn to a text editing capability for titles received from broadcast signals.

The independent claims now recite a first key, a second key, and a third key. Although the first key is indicated/disclosed as a "capture key", the second and third keys are not clearly defined in the remainder of the specification. Applicant's cooperation in further explaining such is respectfully requested.

Additionally, claim 4 recites a first controller in lines 4-5 and a first controller in lines 10-11, while lines 12-17 and 18-20 recite a second system controller. The problem that arises from such is that it is not clear if this language is attempting to define TWO different elements, or the same element with additional

Art Unit: 2651

functional limitations? The examiner again respectfully requests applicant's cooperation in further elaborating on what limitations/distinctions this duplicate language is attempting to define.

Claim 7; line 5 recites "to input the desired test information as a title". No such "test information" has been defined.

The remaining depending claims fail to clarify the above and fall accordingly.

Additionally it is noted that dependent claims 2,3 and 5, 6 recite further functional limitation(s), desires from the first controller and second controller but no additional elements to perform such a deletion, i.e., some element/circuit to detect or recognized the existence of "duplicate text" at the very least and hence fail to properly define the invention. The examiner recommends including limitation(s) further adding/including additional element(s) to perform the deletion upon such recognition.

AS FAR AS THE CLAIMS RECITE POSITIVE ELEMENTS AND INTERPRETED BY THE EXAMINER THE FOLLOWING REJECTIONS ARE MADE.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1,4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Young et al or Yuen et al.

Art Unit: 2651

With respect to claim 1 and Young et al, applicant's attention is drawn to figures 20-22 and their respective disclosures.

As depicted in figure 22a, a tuner – element 202 is provided and a display – monitor 210 for displaying text is also depicted.

The ability of storing in a “buffer” region text/title information is found in the discussion of element 232. Such is stored when the program guide/schedule memory is appropriately set and hence the examiner interprets the setting of the guide/schedule by the keys depicted in figure 21 as the first, second and third keys recited.

Additionally the ability of selecting a “target unit” is performed when the system records the selected information onto the recording medium, which is what the examiner interprets as the target unit.

✓ Finally, the third key and its function is interpreted as the operation of the record it key (148) and
✓ its ability

Applicant's attention is further drawn to figure 11 and its description as well as to col. 8 line 14 plus, column 12 line 31 plus.

In short the system provided by Young et al provides a user to select incoming information predicated upon “title” (text) and provide for a temporary storing of such in his schedule memory, a review of such, and final recording upon the recording medium appropriately.

Although the Young et al system only uses a single controller, CPU 228, the ability of separating control functions into a plurality of controllers (the ability of such is to permit dedicated processors and coprocessors) is considered merely an obvious expedience in this environment and obvious to one of ordinary skill in the art if for no other reason than to reduce overall down time/mean time to failure and increase the trouble shooting ability to correct/replace for defective components when they fail.

With respect to Yuen et al, applicant's attention is drawn to figures 1, 3, 6, 16, 18, 19, 21-24.

Yuen et al also provides for a system wherein a tuner is used – see element 61 in figure 1, a display of information is permitted through the display elements 32e, while temporary storing text information – into a buffer region, is provided by the ram element 30.

Unlike Young et al, Yuen et al provides for two system controllers – elements 21 and 31.

Art Unit: 2651

Again, although the first, second and third keys are not clearly depicted, as noted the directory controller has the provision of entering information – see element 32a,d. The ability of hence selecting a target unit, the ability to record is considered established/present when the desired program is found and hence recorded onto the tape medium. Finally, the ability of calling the captured information in the buffer region is established/present when the information is conveyed from the ram onto the recording medium.

Claim 4 differentiates from claim 1 in that it only requires a first and second key, not a third key, but does require a third key, but does require a title inputting region. Since the title is indeed recoded onto the record medium, this element is inherently present in the above systems.

The examiner interprets claim 7 as the operation of either the system to Young et al or Yuen et al, with the "test" information as "text" information.

6. Claims 2,3,4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1 and 4 above, and further in view of either JP 3-233670 or JP 9-146528.

The ability of "deleting" duplicate, unwanted characters in a text is taught by either of the noted secondary systems to JP 3-233670 or JP 9-146528.

It would have been obvious to modify the base system of the primary references to either Young et al or Yuen et al with the additional duplicate deletion ability as noted above in the secondary references, motivation is to eliminate any unnecessary text for display.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Tonigawa et al is cited for the video editor's capabilities w/rt storing title info accordingly.
Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

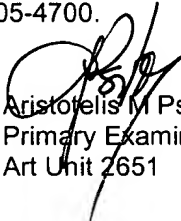
Art Unit: 2651

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, W. Korzuch can be reached on (703) 305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Aristotelis M Psitos
Primary Examiner
Art Unit 2651

AMP
October 23, 2002